

REMARKS

The following remarks are provided in response to the Office Action communication dated September 15, 2009, wherein the shortened statutory period for response expired on October 15, 2009. Although the Office Action Summary page indicates that the shortened statutory period for response is set to expire 3 months from the mailing date of this communication, Applicant believes this may be a typographical error in view of the nature of this communication, which is a requirement for restriction.

Accordingly, Applicant petitions herewith for a one-month extension of time. However, in the event that the Commissioner determines an extension of time is not required, the undersigned hereby authorizes the Commissioner to refund any excess payment of fees to Deposit Account No. 501358.

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Applicant's claims 15-17, 19-22, 25-27, 29-32, 57 and 58 are currently pending in the above-identified utility patent application and are subject to the following restriction:

- I. Claims 15-17, 19-22 and 57, drawn to a financial method, classified in class 705, subclass 35.
- II. Claims 25-27, 29-32 and 58, drawn to a financial method, classified in class 705, subclass 35.

Pursuant to the statutory provisions of 35 U.S.C. § 121, Applicant is required to elect a single group of claims for examination on the merits. Applicant elects, with traverse, to pursue Group I (claims 15-17, 19-22 and 57). Applicant withdraws, without prejudice, the remaining non-elected claims and reserves the right to pursue these claims at a later time in one or more corresponding divisional or continuation patent applications.

Applicant respectfully traverses the present requirement for restriction. More specifically, it is Applicant's position that a requirement for restriction at this late stage of prosecution is improper. Applicant submits that the aforementioned groups of pending claims have undergone substantive examination and, as such, there is no burden on the Examiner in continuing examination of the pending claims as previously presented.

The aforementioned pending claims have been before the Examiner at least as early as December 13, 2007. From December 13, 2007 thru the present, these claims have undergone minor amendments, if any at all. Provided below is a brief listing of the actions received, and the Applicant's corresponding response, for the foregoing time period:

<u>Date Range</u>	<u>PTO Communication</u>	<u>Applicant Response</u>
Dec '07 – Mar '08	Non-Final Rejection	Claims amended to address 112 rejection
June '08 – Sept '08	Non-Final Rejection	Claims amended to address 101 rejection
Jan '09 – April '09	Final Rejection	Claims were not amended
June '09 – Sept '09	Advisory Action	Claims amended to address 101 rejection (filed with RCE)

Not including the above-listed Advisory Action, the currently pending claims have been searched, considered and rejected by the Examiner in multiple instances prior to the present action. Although the pending claims were amended in the earlier instances (i.e., Applicant's responses filed March 2008 and September 2008), these amendments were submitted solely in response to rejections asserted, respectively, under 35 U.S.C. § 112 and 35 U.S.C. § 101. It appears, at the present time, that Applicant has overcome the previously asserted prior art rejections.

Additionally, the present requirement for restriction suggests that the two groups of claims that have been identified as separate inventions are both drawn to a financial method classified in class 705, subclass 35. Based on the Examiner's search notes, which are accessible through the USPTO's Private Pair system, the subject matter presented by these claims have been searched in this designated class/subclass on at least four occasions preceding the present action. Moreover, the claims of this application have already undergone two earlier requirements for restriction/election. Applicant's fail to see what additional burden, if any, would be inflicted upon the Examiner in continuing examination of these pending claims without further restriction.

In view of the foregoing remarks, Applicant respectfully requests withdrawal of the present requirement for restriction. Reconsideration and prompt allowance of this patent application are kindly requested.

If it will advance the prosecution of this patent application The Examiner is urged to telephone Applicant's undersigned representative (973.597.6326).

Respectfully submitted,

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